

## REMARKS

Reconsideration of all grounds of objection and rejection, and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-25 and 29-33, as amended, remain pending, with claims 26-28 canceled without prejudice or disclaimer.

Applicants thank the Examiner for indicating claims 1-4, 7-9, 13-15, 19, 21-23, 25-31 and 33 would be allowable if amended and/or rewritten to overcome rejections under 35 U.S.C. §112, second paragraph set forth in the Office Action.

### I. Examiner's Interview

Applicant also thanks the Examiner for the courtesies extended to the undersigned in a personal interview on June 21, 2006, and for his efforts in assisting with language for Claim 1. During the interview the specification, claims and drawings were discussed. The Examiner's comments were taken into account in preparing this Amendment.

As opposed to the Second Amendment After Final filed June 22, 2006, the present Amendment presents the same drawing amendments. The present Amendment keeps the disclosure of safety means in Claim 1 which the Amendment After Final filed March 3, 2006 attempted to move to a dependent claim, with the exception that disclosure of safety means in Claim 1 now has clearer language.

The Remarks of the present Amendment repeats the arguments in the Remarks of the Second Amendment After Final filed June 22, 2006. The present Amendment also includes the same ATTACHMENT II as in the Second Amendment After Final.

### II. Claim Amendments

Claim 1 is amended to recite:

said safety means comprising one of:

a wire seal requiring manual intervention to neutralize said safety means prior to permitting actuating of said decoupling means,

a breakable cover, that covers means for actuating said decoupling means, requiring the manual intervention to neutralize said safety means prior to permitting actuating of said decoupling means, and

means requiring manual intervention by one of a specialized tool and a specialized key to neutralize said safety means prior to permitting actuating of said decoupling means

This language clarifies the means acted on by manual intervention and means for doing the manual intervention. Thus, it is respectfully submitted this does not raise a new issue requiring a search.

The wire seal is disclosed in the specification at least at page 4, lines 19-21. Fig. 13a discussed at the interview was added to show a wire seal and the specification amended consistent with the added figure. The term "wire seal" is a term of art as shown in ATTACHMENT II.

The breakable cover is supported at page 4, lines 19-24 which states "Encasing the feature under glass is also conceivable in covering a means for actuating an emergency release device...."

The tool and key are supported at page 4, lines 9-19.

Other claims were amended consistent with the amendments to claim 1. Amended claim 33 recites features, other than the wire seal, from claim 1.

### III. Objections to the Drawings

The final Office action and Advisory Action objected to the previously filed replacement sheet containing an amended Fig. 1. The attached drawings are those discussed during the interview, with the exception that the wrench 59 of Fig. 1 was simplified. Wrench 59, is an example of the particular specialized tool for applying to the safety means. A wrench is disclosed in the specification at page 14, lines 21-26.

Also, Fig. 1 has been replaced with an amended version to comply with the requirement from the previous Office action to show in the drawings the drive tube 10a, door leaf 10b, door 10c, door jam 10d, and building 10e. Applicants have removed discussion from the specification and drawings regarding connection and/or operation of the door relative to the drive means added and rejected in the previous Amendment.

However, the terms drive tube 10a, door leaf 10b, door 10c, door jam 10d, and building 10e are more in the nature of preamble terms or points of reference rather than elements of the claimed invention. For example, Applicants respectfully submit the claimed

invention is directed to an emergency release device for an automated door closure (e.g. building closure) assembly. While the door closure assembly can be mounted onto a door jamb, which is a frame normally attached to a wall and to which a door is hingedly attached, Claim 23 does not claim a door jamb. Likewise, Applicants do not claim a building area or an overhead door. Virtually any type of door closure assembly can have the claimed emergency release device.

Figs. 13a, 13b and 13c have been added to show the wire seal 588, cover 589 and glass 590, as well as lock 591 and key 592 as some variations, within the scope of Claim 1, relating to manual intervention to neutralize the safety means as opposed to the wrench 59 and screw 58 of Fig. 1 (labeled in Fig. 2). No new matter has been added, as the wire seal, lock and key, as well as glass cover are disclosed in the specification at least at page 4, lines 9 to 24.

Reconsideration and withdrawal of all grounds of objections to the drawings are respectfully considered.

#### IV. Objection to the Specification

The heading "Detailed Description of the Preferred Embodiments" has been added.

The specification has been amended to conform to the drawing changes in Fig. 1 and to include a brief discussion of the alternate safety means shown in new Figs. 13a, 13b, 13c.

#### V. Rejection of Claims 1-33 under 35 U.S.C. §112, second paragraph

Applicants have exercised good faith in addressing all of the grounds of rejection under 35 U.S.C. §112, second paragraph that were cited in the Office Action.

In addition, claim 1 recites "a safety means for preventing at least one of unintentional actuation and unauthorized actuation of the decoupling means." The terms "unintentional" and "unauthorized" come directly from the specification (page 3, lines 4-5). Without the safety means, the decoupling means is more vulnerable to being accidentally activated, for example, by a child who would otherwise merely pull on a lever and cause the door to drop downward toward the ground. In addition, unauthorized actuation of the decoupling means could be made by the child who is not allowed to touch the garage door opener, yet decides to do so. Without the safety means of the claimed invention and the need to neutralize the safety means before activating the emergency release, an unauthorized or

unintentional actuation of the decoupling means could cause the door to drop downward while someone or something is in the path of the door, causing damage and/or injury.

In the specification at page 2, lines 3-5, this drop downward is referred to as "guillotine" or "free-fall" and is recognized in the art as a problem with known automated door closure systems that have disconnect systems to bypass, for example, a bound motor that leaves the door stuck in an open position.

Claim 5 has been amended to depend from claim 1. In addition, claims 8 and 22 have been amended to delete duplicative phraseology.

Claims 26-28 have been canceled without prejudice or disclaimer. Applicants respectfully submit that regardless of the cancellation of these claims, any type of an automated door closure assembly that includes the emergency release device as set forth in any of the pending claims is within the spirit of the claimed invention and the scope of the pending claims.

Claim 33 has been amended to depend from claim 1 and recite specific types of safety means requiring manual intervention of claim 1.

Thus, reconsideration and withdrawal of this ground of rejection are respectfully requested.

#### VI. Rejections of Claims under 35 U.S.C. §102(b)

Claims 5, 6, 10-12, 16-18, 20, 24 and 32 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Slopa (U.S. 4,098,023). Applicants respectfully submit this ground of rejection is now moot because base claim 5 has been amended to depend from claim 1, which was indicated in the Office as reciting allowable subject matter. Claims 6, 10-12, 16-19, 20, 24 and 32 are all allowable at least because of their dependence, directly or indirectly, from claim 5, which is now believed to be allowable.

Reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. 102(b) are respectfully requested.

VII. Conclusion

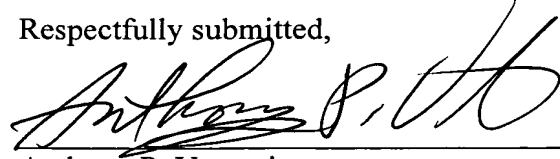
In view of the above, it is respectfully submitted that all objections and rejections in the Office Action of February 24, 2006 and Advisory Action are overcome. Hence, a Notice of Allowance is respectfully requested.

Date:

July 7, 2006

By:

Respectfully submitted,



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Enclosures:

ATTACHMENT I

ATTACHMENT II

APV/bms

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**ATTACHMENT I - Replacement Sheet Fig. 1 and New Sheets for Figs. 13a, 13b, 13c**

ATTACHMENT II -

"wire seal" descriptions retrieved on June 22, 2006 from the following Internet webpages:

[http://www.american casting.com/products/wire\\_seals\\_wire.asp](http://www.american casting.com/products/wire_seals_wire.asp)

<http://www.seton.com/seton/catalog/browseSpaceCode.do?spaceCode=DM9>

<http://logistics.about.com/cs/security/a/uc022004.htm>

## IN THE DRAWINGS

Please replace Fig. 1 with the amended Fig. 1 provided as a Replacement Sheet in ATTACHMENT I to this Amendment. The attached sheet includes changes to Fig. 1 as required by the Office Action. This sheet replaces the original Fig. 1.

As requested by the previous Office Action, Fig. 1 is amended to:

(i) add a sketch of a garage door 10c having a leaf 10b; (ii) add a door jam 10d, and (iii) add a portion of a building 10e (i.e. building area) which is serviced by the door 10c. Fig. 1 is also amended to: (iv) add a drive tube 10a connected to the driven shaft 10. The door 10c moves vertically relative to the door jamb 10d.

Fig. 1 is also amended to: (v) add a wrench 59 as an example of a specialized tool formerly in claim 1 and now in claim 33.

New Figs. 13a, 13b and 13b have been added as New Sheets in ATTACHMENT I to this Amendment.

Fig. 13a shows a wire seal.

As also requested by the Office Action, Figs. 13b and 13c show the breakable cover, lock and specialized key features recited formerly in claim 1 and now in claim 33.

No new matter has been added.